

1 McGREGOR W. SCOTT
United States Attorney
2 R. STEVEN LAPHAM
MATTHEW D. SEGAL
3 COURTNEY J. LINN
Assistant U.S. Attorneys
4 501 I Street, Suite 10-100
Sacramento, California 95814
5 Telephone: (916) 554-2708

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. 2:04-cr-00069-MCE
Plaintiff,)
v.) STIPULATION TO AMEND
LARRY J. WELLS,) FINAL ORDER OF FORFEITURE
Defendant.) RE: REAL PROPERTY AT 2905
) BIRD ROCK ROAD, PEBBLE
) BEACH, CALIFORNIA
) AND ORDER THEREON

DIANNA L. WELLS, WASHINGTON MUTUAL)
BANK and WILLIAM J. PORTANOVA,)
Petitioners.)
)

1. Unbeknownst to the government, attorney William J.

Portanova recorded a Deed of Trust with Assignments of Rents on September 27, 2007, in Monterey County as document number 2007074070 against the real property located at 2905 Bird Rock Road, Pebble Beach, California, APN: 007-661-004 (hereinafter, the "Property") in the amount of \$60,000.00 with interest thereon according to the terms of a promissory note. See Attachment A.

2. There was an agreement that William Portanova's lien should be satisfied from Dianna Wells' share of the net proceeds from the

1 sale of the Property, but sadly Dianna Wells passed away on or about
2 November 23, 2007, after a long illness before the agreement could
3 be concluded.

4 3. A legal proceeding in Monterey County has been initiated,
5 and through that proceeding the person signing on behalf of Dianna
6 Wells estate has been granted court authority to do so. See
7 Attachment B.

8 4. It is hereby stipulated by and between plaintiff United
9 States of America, Todd Fuller as Administrator with Will Annexed of
10 the Estate of Dianna L. Wells, Washington Mutual Bank and William J.
11 Portanova to amend paragraph 4.f of the Stipulation for Final Order
12 of Forfeiture Re: Real Property at 2905 Bird Rock Road, Pebble
13 Beach, California and Order Thereon filed on October 22, 2007, to
14 the following:

15 To petitioner Dianna L. Wells or her estate, 50% of
16 the net proceeds from the sale of the Property after
17 the above disbursements. The first \$60,000.00 of any
18 share Dianna L. Wells estate may receive, shall be
paid to William J. Portanova according to such
instructions as he may give the Escrow or Title
Company handling the sale of the Property.

19 5. The payment to petitioners Dianna L. Wells, Washington
20 Mutual Bank and William J. Portanova shall be in full settlement and
21 satisfaction of all claims to, and interest in, the Property. If
22 for any reason William J. Portanova's lien interest is not satisfied
23 in full from Ms. Wells' share of the net proceeds from any sale of
24 the Property, Mr. Portanova nonetheless agrees to execute such
25 documents as may be necessary to remove his lien interest so that
such sale can be concluded.

27 6. Except as specifically provided above, the parties further
28 stipulate that the Stipulation for Final Order of Forfeiture Re:

1 Real Property at 2905 Bird Rock Road, Pebble Beach, California and
2 Order Thereon filed on October 22, 2007, shall remain in full force
3 and effect.

4 Dated: 5/27/08

McGREGOR W. SCOTT
United States Attorney

6 /s/ Courtney J. Linn
7 COURTNEY J. LINN
Assistant U.S. Attorney

8
9 Dated: 5/28/08

10 /s/ Todd Fuller
11 TODD FULLER
Administrator with Will Annexed of the
Estate of DIANNA L. WELLS
Petitioner

12 ACKNOWLEDGMENT

13
14 State of California)
15 County of Solano)

16 On May 28, 2008, before me, Kathleen Williams, Notary
17 Public, personally appeared Todd Fuller, who
18 proved to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their
19 signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.
20

21 I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

22 WITNESS my hand and official seal.

KATHLEEN WILLIAMS
Commission # 1505762
Notary Public - California
Napa County

23
24 Signature /s/ Kathleen Williams

25
26 Dated: 6-3-08

/s/ Scott J. Stilman
SCOTT J. STILMAN
Attorney for Petitioner Washington
Mutual Bank

27
28 ///

1
2 Dated: 5/29/08

/s/ William J. Portanova
WILLIAM J. PORTANOVA
Petitioner

3
4 (Original signatures retained by attorney)

5 **IT IS SO ORDERED.**

6 Dated: June 10, 2008

7
8 
9 MORRISON C. ENGLAND, JR.
10 UNITED STATES DISTRICT JUDGE